

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DERRICK HAMILTON

INITIAL SCHEDULING ORDER

Plaintiff(s),

15 -CV- 4574 (CBA) (VMS)

-against-

CITY OF NEW YORK, et al.,

Defendant(s)

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

- 1) Defendant(s) shall answer or otherwise move with respect to the complaint by 12/9/15.
- 2) Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by 12/23/15, if not yet completed.
- 3) Initial document requests and interrogatories will be served no later than 1/16/16.
If the parties intend to issue interrogatories, they will serve no more than 25 interrogatories. The parties are aware that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) No additional parties may be joined after 4/15/16. By this date, the parties may either stipulate to the addition of new parties or commence motion practice for joinder in accordance with the Individual Rules of the District Judge assigned to this case.
- 5) No amendment of the pleadings will be permitted after 4/15/16 unless information unknown to the parties by this date later becomes available to them. By this date, the parties

may either stipulate to the amendments of the pleadings or commence motion practice for leave to amend the pleadings in accordance with the Individual Rules of the District Judge assigned to this case.

- 6) ^{Non-Monell} Fact discovery closes 6/30/16. ^{Monell} discovery is reserved pending determination of the individual defendants' liability.
- Note: Treating physicians who may be called as witnesses, including as expert witnesses, should generally provide their reports or summaries and be deposed during the fact discovery period.
- 7) ^{non-Monell} As to expert disclosures,
- a) The names, qualifications and area(s) of expertise of initial experts shall be served on or before 7/15/16. ^{non-Monell} May 31, 2016
- b) Initial ^{non-Monell} expert witness reports shall be served on or before 8/15/16. ^{6/30}
- c) Rebuttal ^{non-Monell} expert witness reports shall be served on or before 9/5/16. ^{7/30/16}
- 8) ^{non-Monell} All discovery, including any depositions of experts, shall be completed on or before 9/16/16.
(Generally, this date must be no later than 9 months after the initial conference.)
- 9) On or before 9/30/16, the parties must file on ECF a joint letter confirming that discovery is concluded.
- 10) Any dispositive motion practice must be commenced by 10/17/16, within 30 days of the close of all discovery.

Parties must consult the Individual Rules of the District Judge assigned to this case to determine, inter alia, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must be submitted with the motion and whether such a motion must be "bundled."

- 11) A proposed joint pre-trial order must be filed (or if required by the District Judge, a scheduling date must be requested) by 11/15/16, within 60 days of the close of fact discovery.

This date is not stayed during any dispositive motion practice unless ordered by the District Judge assigned to this case or permitted by the District Judge's Individual Rules.

12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?

a) No ✓ Do NOT indicate which party has declined to consent.

b) Yes _____

If yes, fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form and file it on the Court's ECF system. See <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx>

13) A discovery/status telephone conference/an in-person Status Conference is set for

3/31/16 at 2:30 a.m. X p.m. If a telephone conference is

scheduled, the conference call will be arranged and initiated by Plaintiff or Defendant (circle

one) to Chambers at 718 613 2300. A joint discovery status letter must be filed on ECF by

3/24/16 in preparation for the conference. *The Court will schedule these dates.*

14) A final pre-trial conference is set for TBD. *The Court will schedule this date.*

15) The parties may wish to engage in settlement discussions. To facilitate this process, Plaintiff(s)

agree(s) to make a demand on or before 2/15/16, and Defendant(s) agree(s) to respond to the demand on or before 3/15/16. *TT will endeavor to provide an earlier demand*

After the parties have exchanged a demand and response, the Parties may request a settlement conference by filing on ECF a letter that requests a conference and informs the Court of at least three dates when all counsel and all parties with decision-making authority (including, if necessary, insurance representatives) are available for an in-person conference. The parties will be required to submit an ex parte settlement statement letter a week before the conference.

16) Any additional matters:

→ The Court of Claims action is proceeding.
Mr. Hamilton's deposition is scheduled for January. All of Ds in the civil case are invited to attend. Counsel are to coordinate.

→ Counsel are encouraged to discuss settlement.

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date hereof.

Dated: Brooklyn, New York

▲

/s/ ERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO BY COUNSEL:

Signature: _____

Name:

Attorney for Plaintiff(s)

Address:

E-mail:

Tel.:

Fax:

Signature: _____

Name:

Attorney for Defendant(s)

Address:

E-mail:

Tel.:

Fax:

(Additional counsel should provide the same information.)